

REMARKS

Reconsideration is requested for claims 2 and 26.

The Examiner indicated that claims 6-7, 15-16, and 27-31 have been allowed.

Claims 4-5, 9-14, and 18-25 stand withdrawn from consideration as drawn to a non-elected species.

Claims 2 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,576,009 to *Ogushi et al.* It is asserted in the Official Action in the Response to Arguments portion of the Official Action that:

In figure 9 of *Ogushi et al.*, item "111" is read as the liquid reservoir tank, item "1" is the evaporator containing a reservoir of liquid which is contained within the porous material "114", item "115" is read as and functions as a **liquid supply port/conduit**, item "116" is read as and functions as a **vapor ejection port and unnumbered conduit which attaches to the evaporator (1) from the left side or the unnumbered conduit above item "118" as illustrated in figure 9 is read as a liquid ejection port**. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform.

It is respectfully submitted that the structure alleged in the Official Action to correspond to the liquid ejection port recited in the claims does not so correspond.

The unnumbered conduit above item "118" is a conduit through which liquid from accumulators 21 and 22 is supplied to item "111" (refer to Fig. 7 of *Ogushi et al.*), and liquid will not be ejected through the unnumbered conduit above item "118". Thus the unnumbered conduit above item "118" does not correspond to the liquid ejection port/conduit.

Also, the unnumbered conduit that attaches to the heat receiving part 1 of the left side is not a liquid ejection port but a vapor ejection port. *Ogushi et al.* discloses in column 8, line 13 to 15 that "the heat receiving part 1 in which the liquid 6A is

entirely evaporated". It is understood that the liquid 6A is entirely evaporated and thereby only vapor is ejected from the unnumbered conduit that attaches to the heat receiving part 1 on the left side, thus no liquid is ejected from the unnumbered conduit that attaches to the heat receiving part 1 on the left side. Therefore, the unnumbered conduit that attaches to the heat receiving part 1 on the left side is thought to correspond to the vapor ejection port. In addition, the unnumbered conduit that attaches to the heat receiving part 1 on the left side does not correspond to a liquid ejection port because it does not connect a structure corresponding to a reservoir tank to a structure corresponding to an evaporator.

As explained above, *Ogushi et al.* does not disclose or suggest the configuration having the liquid ejection port.

Claim 2 defines a thermal transport system comprising a combination of features including an evaporator comprising a liquid ejection port for ejecting from the evaporator liquid-phase working fluid accommodated in a liquid reservoir together with a reservoir tank connected to the evaporator at the liquid ejection port. As discussed above, *Ogushi et al.* does not disclose or suggest a combination of features as recited in the claims including a liquid ejection port arranged as recited.

In view of the differences between claim 2 and *Ogushi et al.*, it is respectfully submitted that claim 2 is not anticipated by *Ogushi et al.*

Claim 26 defines a thermal transport method using an evaporator for receiving heat generated at a heat generation unit and comprises steps of adjusting an amount of liquid-phase working fluid in an evaporator by supplying liquid-phase working fluid to the evaporator from a reservoir connected to the evaporator at a

liquid ejection port of the evaporator. *Ogushi et al.* does not disclose or suggest structure adapted to accomplish the recited combination of steps.

In view of the differences between claim 26 and *Ogushi et al.*, it is respectfully submitted that *Ogushi et al.* does not anticipate claim 26.

The Official Action states:

Claim 2 is rejected under 35 U.S.C. § 102(b) as being anticipated by *Moore, Jr.* The patent of *Moore, Jr.* in figure 18 discloses applicant's claimed invention. Item 236 is read as a reservoir since it contains liquid.

As explained in the Response filed on June 5, 2003, the system disclosed in *Moore, Jr.*, is arranged so that only vapor enters the condensing section 236 and liquid only exits. Thus, the condensing section 236 cannot correspond to a reservoir tank connected to evaporator at a liquid ejection port or the evaporator and adapted to receive excess liquid-phase working fluid from the evaporator when a liquid-phase working fluid level is above a desired level. The mere fact that the condenser 236 may contain liquid does not overcome the other shortcomings of the disclosure of *Moore, Jr.* that demonstrate that the condenser 236 can not correspond to the reservoir as recited in the claims.

In view of the differences between claim 2 and *Moore, Jr.*, it is respectfully submitted that claim 2 is not anticipated by *Moore, Jr.*

It is respectfully submitted that all of the presently rejected claims, claims 2 and 26, and the claims withdrawn from consideration, claims 4-5, 9-14, and 18-25, are in condition for allowance. Allowance is cordially urged.

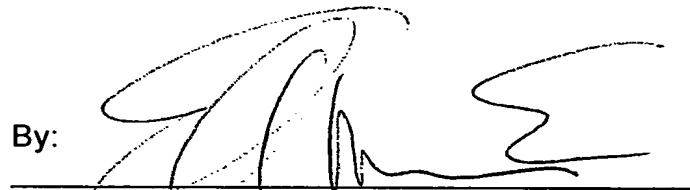
If the Examiner should be of the opinion that a telephone conference would be helpful in resolving any outstanding issues, the Examiner is urged to contact the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 14, 2004

By:

A handwritten signature in black ink, appearing to read 'EMAS', is written over a horizontal line.

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